

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

EDDIE L. YOUNG,

Plaintiff,

v.

ROBERT BURTON, *et al.*,

Defendants.

Case No. 2:22-cv-02231-TLN-JDP (PC)

**ORDER**

GRANTING DEFENDANTS' MOTION TO  
MODIFY THE SCHEDULING ORDER AND  
DENYING PLAINTIFF'S MOTION TO  
MOVE HIS DEPOSITION

ECF Nos. 35 & 36

Defendants move to modify the April 30, 2024 scheduling order and plaintiff moves to change the date of his deposition. ECF Nos. 35 & 36. Defendants seek to file two successive dispositive motions; the first being a failure to exhaust motion by November 1, 2024, and if necessary, a second merits-based motion for summary judgment 120 days after the court rules on the failure to exhaust motion. ECF No. 35. Good cause appearing, that request will be granted. Plaintiff seeks to move the date of his deposition to September 26, 2024. ECF No. 36. Since the deposition date has passed, plaintiff's motion will be denied as moot.

Accordingly, it is hereby ORDERED that:


1. Defendants' motion to modify the scheduling order, ECF No. 35, granted.
2. Defendants' exhaustion motion for summary judgment is due by November 1, 2024.

1           3. Defendants' merits-based motion, if necessary, is due 120 days after the court rules on  
2 the exhaustion motion.

3           4. Plaintiff's motion to change the date of his deposition, ECF No. 36, is denied as moot.

4  
5 IT IS SO ORDERED.

6 Dated: October 18, 2024

  
JEREMY D. PETERSON  
UNITED STATES MAGISTRATE JUDGE